

Town of Loxahatchee Groves
Special Magistrate Hearing
Wednesday, November 16, 2011 at 9:00 a.m.
Palms West Chamber of Commerce
13901 Southern Boulevard

MINUTES

1. Call to Order

Special Magistrate William Doney called the meeting to order at 9:01 a.m. Present were Town Manager Mark Kutney, Town Clerk Janice M. Moore, and Code Enforcement Representative from Tew & Taylor, Inc., Beverly Taylor, and Code Enforcement Officer Russell Elgin

2. Swearing In of All Witnesses – Special Magistrate Doney

3. Code Enforcement Fine/Lien Certification

a. Case 2008-65

**Town of Loxahatchee Groves Florida (Petitioner) vs.
Antonio Alonso**

PCN: 41-41-43-17-01-316-0170
Location: 2380 C Road
Violation: Chapter 14, Section 14-2, 14-31, 32, 35
Maintenance of Structures, Equipment and Exterior Property

No representative was present at this time.

b. Case 2008-67

**Town of Loxahatchee Groves Florida (Petitioner) vs. Magic
Properties V, LLC**

PCN: 41-41-43-17-01-510-0030
Location: 13710 Okeechobee Boulevard
Violation: Unified Land Development Code Article 4, Chapter A, Section
3A, Table 4.A.3.A-1, Chapter B Section 1A.77

Landscape Service Permitted in this Zoned Area Only in Conjunction
with a Retail or Wholesale Nursery

Code Enforcement Representative Tew provided an overview of the violation and the 14 exhibits of correspondence related to the property. Harold Worthington, owner's representative & tenant, provided background information.

Special Magistrate Doney entered into the record the 14 exhibits as evidence. His **findings** including the following: To delay a final judgment and stop the \$100 fine per day fine until the next scheduled hearing on January 11, 2012 at 9:00 a.m. to which both parties may present additional documentation and/or information.

4. Code Enforcement Order of Violation

a. Case 2010-155

Town of Loxahatchee Groves Florida (Petitioner) vs. 1930 D Road, LLC

PCN: 41-41-43-13-00-000-5020

Location: 3130 162nd Drive N.

Violation 1: Unified Land Development Code Article 20: Residential Zoning Districts; Section 20-015; Article 80: Conditional Uses Section 80-55

Commercial Chipping & Mulching Including Sifting and Screening on Property Less Than 10 Acres

Violation 2: Unified Land Development Code Article 45: Property Maintenance; Section 45-010 (B)

Storage in Excess of three (3) Inoperable and Unregistered Vehicle and Other Junk Items

Violation 3: Unified Land Development Code Article 45: Property Maintenance; Section 45-010 (A)

Property Has Uncontained Litter, Garbage, Non-Vegetative Debris and Trash

Violation 4: Unified Land Development Code Article 20: Residential Zoning Districts; Section 20-020

Landscape Maintenance Operations Located on Property

Violation 5: Unified Land Development Code Article 80: Conditional Uses; Section 80-020. Article 20: Residential Zoning Districts; Section 20-015

Nonconforming Operation of an Enterprise within the
Residential Zoning District

Code Enforcement Officer Elgin provided an overview of the violation and the 14 exhibits of correspondence related to the property. Pat Hastings, property owner, provided background information and documentation. Special Magistrate Doney entered into the record "owner's composite 1" and the 14 town exhibits as evidence. Mike Cioffi, leasee, presented samples of the composting materials located on the property. Code Enforcement Representative Tew spoke in response to the owner's statements.

Code Enforcement Representative Tew recommended the owner come into compliance within the next 30 days or a fine \$250 per day and administrative costs of \$1,000 (time for preparation and researching the case).

Special Magistrate Doney concluded his **findings** as follows: 1) Owner is in violation of violations 1 through 4, inclusive. Violation 5 is inapplicable; 2) Owner must come into compliance with all violations by January 2, 2012 with a potential fine not to exceed \$250.00 per day thereafter. In addition, if compliance was not met, the violations would be heard at a fine certification hearing on January 11, 2012 at 9:00 a.m.

**b. Case 2010-181 Town of Loxahatchee Groves Florida (Petitioner) vs. Denise
Beuthien**

PCN: 41-41-43-17-01-249-0160

Location: 15032 Williams Drive

Violation: Unified Land Development Code Article 50: Public Nuisances;
Section 50-015 (A), (1)

Accumulation of Junk Items, Debris, Garbage, Trash and Litter

Denise Beuthien, owner, requested a 60 day extension to meet with code enforcement representatives. Code Enforcement Representative Tew agreed to that request.

Special Magistrate Doney concluded his **findings** as follows: 1) Town agreed to a stipulated agreement for the property owner to come into compliance within 60 days from this date. 2) If it was not met, a hearing will be schedule for assessing a fine.

There was a two minute break at 11:40 a.m. The meeting was reconvened at 11:43 a.m.

c. Case 2010-191 Town of Loxahatchee Groves Florida (Petitioner) vs. Todd and Shire McLendon

PCN: 41-41-43-17-01-332-0010

Location: 3481 D Road

Violation 1: Unified Land Development Code Article 80: Conditional Uses;
Section 80-50 Aviculture (B) (2)

Shelters, Cages, and or Accessory Structures Located within
Required Setbacks

Violation 2: Unified Land Development Code Article 80: Conditional Uses;
Section 80-50 Aviculture (B) (4)

Birds on Property that Excessively Screech, Chirp, Crow, and
Make Loud Noises

Violation 3: Unified Land Development Code Article 50: Public Nuisances;
Section 50-025

Bird Feces Creating Objectionable Odor to Neighboring
Properties

Code Enforcement Officer Elgin noted that Larry and Maureen Lefkowitz, complainants, were present for the hearing. He provided an overview of the violation and documentation. Code Enforcement Officer Elgin noted that Violation 3 was being withdrawn. Todd McClendon, owner, posed questions to the code enforcement representatives. Larry Lefkowitz, 3485 D Road, spoke about the violations. He provided a demonstration on July 4, 2011 of the noise from the birds from his property and noted the stress from it. Mr. McClendon also spoke of the setback violations and presented documentation. Special Magistrate Doney entered into the record several exhibits from Mr. McClendon as evidence. Maureen Lefkowitz, 3485 D Road, spoke about the violations. Code Enforcement Representative Tew presented additional documentation to which Special Magistrate Doney entered them into the record as evidence. Mr. Lefkowitz presented additional documentation to which Special Magistrate Doney entered them into the record as evidence.

Special Magistrate Doney noted that he would like to review the Palm Beach County Code regarding the non-conforming use issue. It was agreed to **reconvene** the hearing for Tuesday, November 22, 2011 at 9:00 a.m. at Town Hall. All parties agreed to this verbal notice.

3. Code Enforcement Fine/Lien Certification

a. Case 2008-65

Town of Loxahatchee Groves Florida (Petitioner) vs.
Antonio Alonso

PCN: 41-41-43-17-01-316-0170

Location: 2380 C Road

Violation: Chapter 14, Section 14-2, 14-31, 32, 35

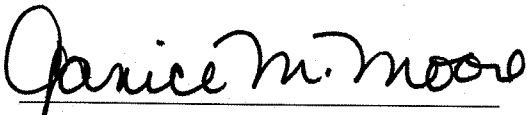
Maintenance of Structures, Equipment and Exterior Property

Special Magistrate Doney noted that there was not a representative for the property present for the hearing. Code Enforcement Representative Tew provided an overview of the violation. Code Enforcement Representative Tew presented photos to which Special Magistrate Doney entered them into the record as evidence.

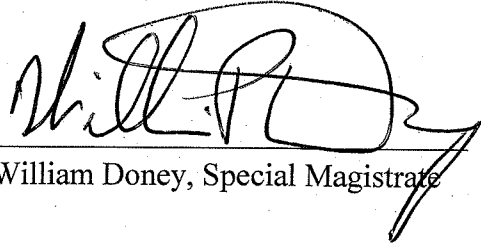
Special Magistrate Doney concluded his **findings** as follows: 1) Owner has failed to comply with the September 10, 2008 order and was non-compliant as of this date. 2) Fine will be \$100 per day commencing October 11, 2008 and continuing until compliance is achieved. 3) To levy a fine in the amount of \$113,600.00.

4. Adjournment

The meeting was adjourned at 1:05 p.m.



Janice M. Moore, Town Clerk



William Doney, Special Magistrate

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